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SECRETARY OF STATE

Sworn List of Sponsors:

This is a Sworn List of Sponsors for The Nebraska Medical Regulation Initiative Measure 20:

Sponsored by NORML Nebraska, which consists of the following board members:

John H. Smith, Executive Director
908 E 4th, McCook, NE 69001

Mark R. Skipton, Assistant Executive Director
3712 17th Ave, Kearney, NE 68845

Pat Wesch, Treasurer
906 W J street, McCook, NE 69001

Lorie L. Prestes, Secretary
PO Box 1132, McCook, NE 69001

Kevin Sawyer, Board Member
17329 Woolworth Ave., Omaha, NE 68130

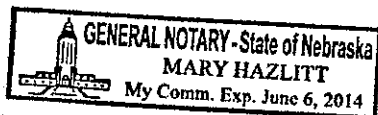
Misty Stinson, Board Member
419 Sweetwater Ave., Alliance, NE 69301

John H. Smith
908 E 4th
McCook, Nebraska 69001

Subscribed and sworn to before me, a notary public, this 25 day of July, 2011

Mary Hazlitt

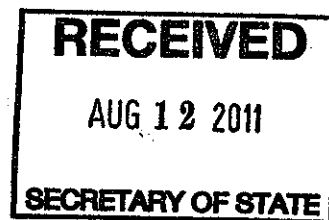
Notary Public



(Seal)

Object Clause:

A bill for an act to regulate the medical use of marijuana. Allow the state-qualified patient and/or the patient's caregiver the right to cultivate, possess and distribute up to but no more than the approved amount of marijuana.



A BILL

For an act to regulate the production, possession, distribution, and use of medical marijuana.
Be it enacted by the people of the State of Nebraska,

Section 1.

For purposes of sections 1 to 10 of this act:

- (1) Approved medical conditions means Cancer, Glaucoma, Human Immuneodeficiency Virus or Acquired Immunodeficiency Syndrome, Alzheimer's Disease, Multiple Sclerosis, Crohns Disease, Lupus, Parkinson's Disease or treatment for such conditions or a medical condition or treatment for a medical condition that produces cachexia, severe pain, severe nausea, seizures, or persistent muscle spasms, migraine or severe headache, or other issues a patient's attending physician thinks the use of marijuana would be beneficial in treatment;
- (2) Attending physician means a physician who has established a physician-patient relationship with the patient; is primarily responsible for the care and treatment of the patient; has reviewed the patient's medical records at the patient's request; has conducted a thorough physical examination of the patient; has provided a treatment plan or follow-up care; and has documented these activities in the patient's file. Patients may have a non Veterans' Administration doctor examine medical records in lieu of an already established physician-patient relationship;
- (3) Caregiver means a person who is licensed by the Department of Health and Human Services who the state-qualified patient assigns to grow marijuana for the patient;
- (4) Mature marijuana plant means a plant that is more than twelve inches in height and diameter; and
- (5) State-qualified patient means any patient who has been recommended by an attending physician and has filed an application and with the Department of Health and Human Services.

Sec. 2.

When an attending physician recommends marijuana to a patient, that patient is automatically a state-qualified patient.

Sec. 3.

The Department of Health and Human Services shall enact rules of administration, including but not limited to:

- (1) Rules governing the establishment and confidentiality of the confidential registry;
- (2) Rules for the development and availability of an application form for persons seeking to be listed on the confidential registry of state-qualified patients;
- (3) Rules regarding the verification of medical information;
- (4) Rules regarding the form and issuance of registry identification cards;
- (5) The Department of Health and Human Services has ninety days from the time of receipt of the application to issue a registry identification card;
- (6) An annual registration fee of twenty-five dollars shall be required for the issuance of a registry identification card to a state-qualified patient;
- (7) Rules governing the development and availability of an application for persons seeking to be a caregiver; and
- (8) An annual registration fee of two hundred and fifty dollars shall be required for a license to become a caregiver.

Sec. 4.

No state-qualified patient shall engage in the medical use of marijuana in a way that endangers the health or well-being of any person or engage in the medical use of marijuana in plain view of, or in a place open to, the general public.

Sec. 5.

No patient under nineteen years of age can be a state-qualified patient unless:

- (1) Two physicians have diagnosed the patient as having an approved medical condition;
- (2) One of the physicians has explained the possible risks and benefits of medical use of marijuana to the patient and each of the patient's parents or guardians residing in Nebraska;
- (3) The physicians referred to in subdivisions (1) and (2) of this section have provided the patient with the proper written documentation;
- (4) Each of the patient's parents or guardians residing in Nebraska consents in writing to the Department of Health and Human Services permitting the patient to engage in the medical use of marijuana;
- (5) A parent or guardian residing in Nebraska consents in writing to serve as a patient's caregiver;
- (6) A parent or guardian serving as a caregiver completes and submits an application for a registry identification card and the written consents of the parents or guardian provided under subsection (5) of this section to the Department of Health and Human Services;
- (7) The Department of Health and Human Services approves the patient's application and transmits the state-qualified patient's registry identification card to the parent or guardian designated as the caregiver;
- (8) The state-qualified patient and caregiver collectively possess amounts of marijuana no greater than those specified; and
- (9) The caregiver controls the acquisition of such marijuana and the dosage and frequency of its use by the state-qualified patient.

Sec. 6.

- (1) A state-qualified patient or the caregiver of a state-qualified patient may possess up to six mature marijuana plants, eighteen marijuana seedlings, and twenty-four ounces of usable marijuana per state-qualified patient. A caregiver can have up to ten state-qualified patients counting himself or herself;
- (2) A state-qualified patient or their caregiver may cultivate marijuana in only one location; and
- (3) For quantities of marijuana in excess of these amounts, a state-qualified patient or his or her caregiver may raise as an affirmative defense to charges of violation of state law that such greater amounts were medically necessary to address the state-qualified patient's approved medical condition.

Sec. 7.

A state-qualified patient or caregiver may produce, possess and distribute to state-qualified patients marijuana, edible products containing marijuana, including liquid, sodas, and the like, and products for consumption of marijuana such as papers, pipes and vaporizers.

Sec. 8.

There shall be no limit placed on tetrahydrocannabinol, cannabidiol, cannabinol, or other cannabinoid content in either marijuana or marijuana infused products.

Sec. 9.

A state qualified patient shall have been diagnosed by his or her attending physician with an approved medical condition treatable by the use of marijuana at least twelve months prior to an arrest in order to present an affirmative defense.

Sec. 10.

Law enforcement officials who seize marijuana from a state-qualified patient or caregiver do not have to keep those plants alive pending trial.

INITIATIVE PETITION

The object of this petition is to: (See reverse side for actual text of measure)

For Sec of State Use Only

For an act to regulate the medical use of marijuana. Allow the state-qualified patient and/or the patient's caregiver the right to cultivate, possess and distribute up to but no more than the approved amount of marijuana.

To the Honorable John Gale, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of _____, respectfully demand that the following proposed law shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the 6th day of November 2012, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of _____ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

WARNING TO PETITION SIGNERS— VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not qualified to sign the petition shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

	Date	SIGNATURE	PRINTED NAME	Date of Birth	ADDRESS (Street name & number)	CITY OR VILLAGE	Zip Code
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STATE OF NEBRASKA)
) ss. _____ (name of circulator) being first duly sworn, deposes and says that he or she
 COUNTY OF _____) is the circulator of this petition containing _____ signatures, that he or she is an elector of the State of Nebraska, that each person whose
 name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the
 correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has
 written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the
 petition, and that the affiant stated to each signer the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

Circulator

Address

City, State, Zip

Subscribed and sworn to before me, a notary public, this _____ day of _____, 20__ at _____, Nebraska.

(Seal)

Notary Public

Proposed Initiative Petition Language to Amend Nebraska Statute:

A BILL

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Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of sections 1 to 10 of this act:

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(2) Attending physician means a physician who has established a physician-patient relationship with the patient; is primarily responsible for the care and treatment of the patient; has reviewed the patient's medical records at the patient's request; has conducted a thorough physical examination of the patient; has provided a treatment plan or follow-up care; and has documented these activities in the patient's file. Patients may have a non Veterans' Administration doctor examine medical records in lieu of an already established physician-patient relationship;

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(4) Mature marijuana plant means a plant that is more than twelve inches in height and diameter; and

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Sec. 2. When an attending physician recommends marijuana to a patient, that patient is automatically a state-qualified patient.

Sec. 3. The Department of Health and Human Services shall enact rules of administration, including but not limited to:

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(3) Rules regarding the verification of medical information;

(4) Rules regarding the form and issuance of registry identification cards;

(5) The Department of Health and Human Services has ninety days from the time of receipt of the application to issue a registry identification card;

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(3) The physicians referred to in subdivisions (1) and (2) of this section have provided the patient with the proper written documentation;

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(5) A parent or guardian residing in Nebraska consents in writing to serve as a patient's caregiver;

(6) A parent or guardian serving as a caregiver completes and submits an application for a registry identification card and the written consents of the parents or guardian provided under subsection (5) of this section to the Department of Health and Human Services;

(7) The Department of Health and Human Services approves the patient's application and transmits the state-qualified patient's registry identification card to the parent or guardian designated as the caregiver;

(8) The state-qualified patient and caregiver collectively possess amounts of marijuana no greater than those specified; and

(9) The caregiver controls the acquisition of such marijuana and the dosage and frequency of its use by the state-qualified patient.

Sec. 6. (1) A state-qualified patient or the caregiver of a state-qualified patient may possess up to six mature marijuana plants, eighteen marijuana seedlings, and twenty-four ounces of usable marijuana per state-qualified patient. A caregiver can have up to ten state-qualified patients counting himself or herself;

(2) A state-qualified patient or their caregiver may cultivate marijuana in only one location; and

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